THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION NO.6901 of 2006

Dated: 13-06-2006

A. Vishnu Prasad.

..... PETITIONER

AND

The Revenue Divisional Officer/Special Grade Deputy Collector, Ranga Reddy District, and fifteen others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE V.V.S. RAO

WRIT PETITION NO.6901 of 2006

ORDER:

The petitioner stated that he purchased land admeasuring Acs.2-00 in survey No.196 of Dayara Village, Keesara Mandal in Ranga Reddy District under registered sale deed dated 22-10-2003. His vendor is one K. Yadaiah, S/o Pochaiah, who appears to have obtained an ownership certificate under Section 38 E of the Andhra Padesh (Telangana Area) Tenancy and Agricultural Lands Act, 1950 (for brevity, the Tenancy Act) and got the land mutated in his name, vide proceedings of the Mandal Revenue Officer (MRO) dated 15-07-1989. The respondents 3 to 16, claiming to be the legal heirs of the protected tenants, who allegedly entitled the certificates under Section 38 E of the Tenancy Act, preferred an appeal before the first respondent in Case No.A2/662/06. Along with the appeal they also filed an application to suspend the proceedings of MRO dated 15-07-1989. The first respondent, by proceedings dated

28-02-2000, suspended the mutation order and posted the matter to 23-02-2006. Having come to know about this, the petitioner filed the present writ petition.

This Court, while issuing notice to the respondents 3 to 16 on 06-04-2006, directed to maintain *status quo*. Subsequently the matter was admitted on 26-04-2006 and the respondents 3 to 16 filed counter affidavit. On 06-06-2006, when the matter was listed, the leaned counsel for the contesting respondents mentioned that in violation of the orders of *status quo,* the petitioner is trying to sell the same to the third parties causing hardship to the respondents. Therefore, the learned counsel for the petitioner was directed to file an undertaking by his client to the effect that no third party interest would be created in respect of the land. Today, when the matter is taken up for consideration, the petitioner has filed an undertaking. In the undertaking filed before this Court, the petitioner stated as under.

> I submit that I have purchased the property which is subject matter of above writ petition vide registered sale deed in the year 2003. Initially these lands were agricultural lands. In March, 2006, when I wanted to develop the property and made provision in the site for formation of roads, at that stage, the impugned order was passed. Thereafter this Hon'ble Court was pleased to grant status quo and since then I have not taken up any work in compliance with the order passed by this Hon'ble Court. I submit that I have great respect to the order passed by this Hon'ble Court and there is no intention whatsoever on my part to violate the order passed by this Hon'ble Court. The allegation made by respondents that I am selling away the lands to third parties by making the same into plots, contrary to the status quo order passed by this Hon'ble Court, is totally incorrect. I am in possession of the property and I have neither sold away any property to third parties nor is there any developmental activity being carried on by me after status quo order is passed by this Hon'ble Court. I hereby undertake that the Status Quo Order passed by this Hon'ble Court will be implemented in its true spirit till further orders are passed by this Hon'ble Court. Hence, the undertaking.

The learned counsel for the petitioner also submits that his client has purchased the land in October, 2003 and therefore, without the petitioner being made as a party to the proceedings, the Revenue Divisional Officer, could not have passed the impugned order. The legal position is not seriously disputed or denied. Further, though the writ petition is at interlocutory stage, instead of keeping the matter pending, the matter has been heard finally and is disposed of. As the petitioner purchased the property from the legal heirs of Pochaiah, who allegedly obtained certificate under Section 38 E of the Tenancy Act, he is impleaded as a party respondent to the appeal in Case No.A2/662/06 pending before the first respondent. It shall be open to the petitioner to engage a counsel and contest the matter. So as to safe guard the interests of rival parties, the *status quo* order passed by this Court shall continue subject to undertaking given by the petitioner which is extracted hereinabove. Further the first respondent is directed to dispose of the appeal filed by the respondents 3 to 16 within a period of four weeks from the date of receipt of a copy of this order.

The writ petition, with the above observations and directions, is accordingly disposed of. No costs.

_____

(**V.V.S.RAO, J**)

13th June, 2006

Note:

Issue CC in three days.

B/o

ghn